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			LESNIEWSKI, VICTOR D	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/777,680	OKAWA ET AL.			
Office Action Summary	Examiner	Art Unit			
	Victor Lesniewski	2155			
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the o	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
<ol> <li>Responsive to communication(s) filed on 14 C</li> <li>This action is FINAL.</li> <li>Since this application is in condition for allowated closed in accordance with the practice under the second seco</li></ol>	s action is non-final. ance except for formal matters, pr				
Disposition of Claims					
4) Claim(s) 1-32 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 1-32 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers					
9) The specification is objected to by the Examin  10) The drawing(s) filed on is/are: a) accomposed and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct and the correct of the correct and the correct of the correct	cepted or b) objected to by the edrawing(s) be held in abeyance. Section is required if the drawing(s) is old	ee 37 CFR 1.85(a). ojected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	4) Interview Summar Paper No(s)/Mail [0] 5) Notice of Informal 6) Other:	y (PTO-413) Date Patent Application (PTO-152)			

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#### **DETAILED ACTION**

1. The amendment filed 10/14/2004 has been placed of record in the file.

- 2. Claims 1-32 have been amended.
- 3. Claims 1-32 are now pending.
- 4. The applicant's arguments with respect to claims 1-32 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

# Response to Amendment

5. Claims 1-32 have been amended in order to more clearly define the invention. Although the amendments may provide a change in scope to the limitations of the claims, none of the amended claims show a patentable distinction over the prior art of record. Since the claims have been amended, a restatement of the rejections with the claims as amended follows.

# Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 7. Claims 11, 12, 23, 24, 27, 28, 31, and 32 remain rejected under 35 U.S.C. 102(e) as being anticipated by DeSimone et al. (U.S. Patent Number 6,212,548), hereinafter referred to as DeSimone.

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8. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a method or recording medium are rejected under the same rationale applied to the described claim.

#### 9. DeSimone has disclosed:

<Claims 11, 27, and 31>

A communication system comprising a server device and a plurality of client devices connected through a network and allowing mutual communications among a plurality of users of respective client devices (column 4, lines 39-56), the server device having: a profile storing unit which stores first identification information preliminarily given to a user for identifying said user in the network, second identification information preliminarily given to said user for identifying said user in the communication system, and permit information relating to approval or disapproval of use of a specific service by said user, and being information stored at least corresponding to the first identification information (column 15, lines 20-27); and a validation processing unit which extracts the permit information corresponding to the first identification information from the profile storing unit when the first identification information and second identification information are presented from the client device and a request for use of a specific service is presented from the client device, and judges approval or disapproval of a presentation of said specific service to the client device on the basis of said permit information and the request for use presented from the client device (column 15, lines 28-36).

# <Claims 12, 28, and 32>

A communication system comprising a server device and a plurality of client devices connected through a network and allowing mutual communications among a plurality of users of respective client devices (column 4, lines 39-56), the server device having: a profile storing unit which stores first identification information preliminarily given to a user for identifying the user in the communication system, and an arbitrary handle name of the user corresponding to the identification information (column 5, lines 40-54); and an ID converting unit which extracts the handle name corresponding to the identification information from the profile storing unit when the identification information is presented from one client device and use of a specific service relating to another client device is requested, and converts the identification information into said handle name (column 6, lines 57-64).

#### <Claim 23>

A server device connected to plural client devices through a network for allowing mutual communications among a plurality of users of respective client devices (column 4, lines 39-56), the server device comprising: a profile storing unit which stores first identification information preliminarily given to a user for identifying said user in the network, second identification information preliminarily given to said user for identifying said user in the communication system, and permit information relating to approval or disapproval of use of a specific service by said user, and being the information stored at least corresponding to the first identification information (column 15, lines 20-27); and a validation processing unit which extracts the permit information corresponding to the

first identification information from the profile storing unit when the first identification information and second identification information are presented from the client device and a request for use of a specific service is presented from the client device, and judges approval or disapproval of a presentation of said specific service to the client device on the basis of said permit information and the request for use presented from the client device (column 15, lines 28-36).

#### <Claim 24>

A server device connected to plural client devices through a network for allowing mutual communications among a plurality of users of respective client devices (column 4, lines 39-56), the server device comprising: a profile storing unit which stores first identification information preliminarily given to a user for identifying said user in the communication system, and an arbitrary handle name of the user, said identification information and arbitrary handle name being stored with a relationship to each other (column 5, lines 40-54); and an ID converting unit which extracts the handle name corresponding to the identification information from the profile storing unit when the identification information is presented from one client device and use of a specific service relating to another client device is requested, and converts the identification information depending on said handle name (column 6, lines 57-64).

Since all the limitations of the invention as broadly set forth in claims 11, 12, 23, 24, 27, 28, 31, and 32 were disclosed by DeSimone, claims 11, 12, 23, 24, 27, 28, 31, and 32 are rejected.

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# Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- Claims 1-4, 6-9, 13-16, 18-21, 25, 26, 29, and 30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone in view of Grimm et al. (U.S. Patent Number 5,828,843), hereinafter referred to as Grimm.
- DeSimone disclosed a client-server message processing environment where a plurality of users communicate in a plurality of real-time text converstations. In an analogous art, Grimm disclosed a network match making system for matching users of a multi-user networked application. He explicitly points out that an example of such an application is an online chat environment. See column 1, lines 17-20. It is evident that Grimm's match making system is meant to function in an environment such as that of DeSimone's invention.
- 13. Although DeSimone did not explicitly state that his system could automatically match users based on client attributes, Grimm taught a network match making system that would accomplish this. Since the inventions could readily be used together as noted above, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system provided by DeSimone by adding the match making capabilities as provided by Grimm. This would strengthen DeSimone's chat environment by efficiently bringing together groups of users. See Grimm, inter alia, column 1, lines 20-23.
- 14. Thereby, the combination of DeSimone and Grimm discloses:

# <Claims 1, 25, and 29>

A communication system comprising a server device and a plurality of client devices connected through a network and allowing mutual communications among a plurality of users of respective client devices (DeSimone, column 4, lines 39-56), the server device having: a matching unit which selects a candidate user for participation in a chat according to a specified standard, and transmits information about said candidate user to a client device (Grimm, column 2, lines 1-9); and a chat processing unit which transmits specified information for starting a chat, when start of a chat is requested by receipt of user identification information from one client device specifying at least one selected user, to the client device of each said selected user, and the one client device issuing said request (DeSimone, column 6, line 40 through column 8, line 57), and each of the client device having, a user selecting unit for specifying at least a portion of said plurality of users and generating said user identification information specifying at least one selected user (DeSimone, column 6, lines 40-64); and a display unit which displays a region for chat on the basis of said specified information when said specified information for starting a chat is transmitted from the server device (DeSimone, column 6, line 40 through column 8, line 57).

# <Claim 2>

The communication system according to claim 1, wherein the matching unit of the server device selects a user of another client devices to which information has most recently been transmitted that is the same as information that has been transmitted to the one client device most recently, among the users of the client devices for which a connection

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currently is established (Grimm, column 3, lines 45-53 and column 6, line 15 through column 7, line 18).

#### • <Claim 3>

The communication system according to claim 1, wherein the matching unit of the sever device selects a user, which has been preliminarily registered as a user having a specific relation by the users of each client device, among the users of the client devices for which a connection currently is established (DeSimone, column 14, line 62 through column 15, line 1).

# <Claim 4>

The communication system according to claim 1, wherein the matching unit of the sever device organizes the selected users according to a specified standard (DeSimone, column 5, lines 15-27).

# • <Claims 6, 26, and 30>

A communication system comprising a server device and a plurality of client devices connected through a network and allowing mutual communications among a plurality of users of respective client devices (DeSimone, column 4, lines 39-56), the server device having, a matching unit which selects a candidate user as a destination for a transmission of a message having a message content according to a specified standard, and transmits information about said candidate user to a client device (Grimm, column 2, lines 1-9); and a message processing unit which transmits the message content to a client device of each specified user, when a request for message transmission is generated and the message content is specified by one client device (DeSimone, column 6, line 40 through

column 8, line 57), and each of the client devices having, a user selecting unit for specifying at least a portion of said plurality of users as the specified user and generating said request for message transmission (DeSimone, column 6, lines 40-64); and an output unit which issues a specified output, when the message content is transmitted from the server device, so that at least a presence of the message content is recognized by a user of the client device (DeSimone, column 6, line 40 through column 8, line 57).

# • <Claim 7>

The communication system according to claim 6, wherein the matching unit of the server device selects a user of another client device, to which information has most recently been transmitted that is the same as information that has been transmitted to the one client device most recently, among the users of the client devices for which a connection currently is established (Grimm, column 3, lines 45-53 and column 6, line 15 through column 7, line 18).

# <Claim 8>

The communication system according to claim 6, wherein the matching unit of the sever device selects the user preliminarily registered as having specific relation by the users of each client device, among the users of the client devices for which a connection currently is established (DeSimone, column 14, line 62 through column 15, line 1).

#### • <Claim 9>

The communication system according to claim 6, wherein the matching unit of the sever device organizes the selected users according to a specified standard (DeSimone, column 5, lines 15-27).

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#### <Claim 13>

A server device connected to plural client devices through a network for allowing mutual communications among a plurality of users of respective client devices (DeSimone, column 4, lines 39-56), the server device comprising: a matching unit which selects a candidate user for participation in a chat according to a specified standard, and transmits information about said candidate user to a client device (Grimm, column 2, lines 1-9); and a chat processing unit which transmits specified information for starting a chat, when a request for start of a chat is received from one client device specifying selected users. (1) to the client device of said candidate user, and (2) the one client device issuing said request (DeSimone, column 6, line 40 through column 8, line 57).

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#### <Claim 14>

The server device according to claim 13, wherein the matching unit of the server device selects a user of another client devices to which information has most recently been transmitted that is the same as information that has been transmitted to the one client device most recently, among the users of the client devices for which a connection currently is established (Grimm, column 3, lines 45-53 and column 6, line 15 through column 7, line 18).

# <Claim 15>

The server device according to claim 13, wherein the matching unit selects a user, which has been preliminarily registered as a user having specific relation by the users of each client device, among the users of the client devices for which a connection currently is established (DeSimone, column 14, line 62 through column 15, line 1).

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<Claim 16>

The server device according to claim 13, wherein the matching unit organizes the selected users according to a specified standard (DeSimone, column 5, lines 15-27).

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<Claim 18>

A server device connected to plural client devices through a network for allowing mutual communications among a plurality of users of respective client devices (DeSimone, column 4, lines 39-56), the server device comprising: a matching unit which selects a candidate user as a destination for a transmission of a message having a message content according to a specified standard, and transmits information about said candidate user to a client device (Grimm, column 2, lines 1-9); and a message processing unit which transmits the message content to a client device of each specified user, when a request for message transmission is generated and the message content is specified by one client device (DeSimone, column 6, line 40 through column 8, line 57).

• <Claim 19>

The server device according to claim 18, wherein the matching unit of the server device selects a user of another client device, to which information has most recently been transmitted that is the same as information that has been transmitted to the one client device most recently, among the users of the client devices for which a connection currently is established (Grimm, column 3, lines 45-53 and column 6, line 15 through column 7, line 18).

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<Claim 20>

The server device according to claim 18, wherein the matching unit selects the user preliminarily registered as having specific relation by the users of each client device, among the users of the client devices for which a connection currently is established (DeSimone, column 14, line 62 through column 15, line 1).

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<Claim 21>

The server device according to claim 18, wherein the matching unit organizes the selected users according to a specified standard (DeSimone, column 5, lines 15-27). Since the combination of DeSimone and Grimm discloses all of the above limitations, claims 1-4, 6-9, 13-16, 18-21, 25, 26, 29, and 30 are rejected.

- Claims 5, 10, 17, and 22 remain rejected under 35 U.S.C. 103(a) as being unpatentable 15. over the combination of DeSimone and Grimm, as applied above, in view of Morris et al. (U.S. Patent Number 6,496,851), hereinafter referred to as Morris.
- The combination of DeSimone and Grimm disclosed a client-server message processing 16. environment that could automatically match users. In an analogous art, Morris disclosed a similar system for an online chat. His system allows users to agree on a mutually acceptable communication ahead of time. See column 3, lines 36-42.
- 17. Although the combination of DeSimone and Grimm did not explicitly state that the system could reject a request for communication, Morris taught a system which could make rejections. Since the inventions encompass the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the

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combination of DeSimone and Grimm by adding the ability to reject requests as provided by Morris. This would make sense since Morris's invention would allow for a smoother chatting environment.

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18. Thereby, the combination of DeSimone, Grimm, and Morris discloses:

#### <Claim 5>

The communication system according to claim 1, wherein the server device further comprises a validation processing unit which rejects requests of a specific processing, when a specific processing is requested from one client device to another client device, if the user of the one client device has been already registered as having a specific relation by the user of said another client device (Morris, column 4, lines 35-41).

#### <Claim 10>

The communication system according to claim 6, wherein the server device further comprises a validation processing unit which rejects a request for a specific processing, when a specific processing is requested from one client device to another client device, if the user of the one client device already has been registered as having a specific relation by the user of said another client device (Morris, column 4, lines 35-41).

# <Claim 17>

The server device according to claim 13 further comprising a validation processing unit which rejects request of a specific processing, when a specific processing is requested from one client device to another client device, if the user of the one client device has been already registered as having a specific relation by the user of said another client device (Morris, column 4, lines 35-41).

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• <Claim 22>

The server device according to claim 18 further comprising a validation processing unit which rejects a request for a specific processing, when a specific processing is requested from one client device to another client device, if the user of the one client device already has been registered as having a specific relation by the user of said another client device (Morris, column 4, lines 35-41).

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Since the combination of DeSimone, Grimm, and Morris discloses all of the above limitations, claims 5, 10, 17, and 22 are rejected.

# Response to Arguments

- 19. In the remarks, the applicant has argued:
  - <Argument 1>

DeSimone does not disclose all of the features of claim 11 and related independent claims.

• <Argument 2>

DeSimone does not disclose all of the features of claim 12 and related independent claims.

• <Argument 3>

The combination of DeSimone and Grimm does not disclose all of the features of claim 1 and related independent claims.

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<Argument 4>

The combination of DeSimone and Grimm does not disclose all of the features of claim 6 and related independent claims.

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<Argument 5>

The combination of DeSimone and Grimm is based on hindsight.

- 20. In response to argument 1, DeSimone does disclose the features as recited in claim 11 and related independent claims. Regarding the use of network and system ID information and permit information in DeSimone's system, the previous line citations, column 15, lines 20-36, clearly show a first identification information for identifying the user in the network ("message originator's ID"), a second identification information for identifying the user in the communication system ("conversation ID"), and permit information ("pre-agreed security or interest criteria"). Furthermore, it is clear that the permit information is stored since it is "preagreed" security information. Also, it must correspond to the first identification information because after satisfying the permit information, future received messages with the same conversation ID and originator ID are freely directed to the appropriate chat windows. See column 15, lines 37-40.
- Regarding the extraction step, it has been stated that the permit information is security information previously agreed upon and thus stored. The delineation of extracting the permit information in the claims is not patentably distinct as the information must be extracted, or read from storage, in order for DeSimone's system to decide whether or not the criteria are met. Here the specific service would be the online chat between the clients that is being set up with the validation of the permit information.

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In response to argument 2, DeSimone does disclose the features as recited in claim 12 22. and related independent claims. As the applicant notes, the system of DeSimone utilizes a combination of a sender's ID and a conversation index. These pieces of information meet the limitations of the claims as an arbitrary handle name ("sender's ID" which can be a nickname) and a communication system identification information ("unique conversation index"). DeSimone's system works by using the conversation index in order to determine to which conversations the messages sent back and forth between clients belong. The system extracts the handle name (or nickname) corresponding to the identification information (or conversation index) and converts identification information into a handle name as stated in the claims. Thus the system knows to which conversation each message belongs. Examples of chat displays from this implementation can be found in figures 4 and 5.

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In response to argument 3, the combination of DeSimone and Grimm does disclose the 23. features as recited in claim 1 and related independent claims. The combination utilizes the fact that DeSimone's chat system uses a configuration involving terminals connected to one or more servers (see DeSimone, column 4, lines 4-18) and Grimm's match making process runs on a server (see Grimm, column 2, lines 43-54) which is analogous to a server of DeSimone's system. It is unclear what exactly the applicant is arguing in the sentence "Finally, Applicants submit that there is no teaching... applied in the DeSimone system." as these limitations were rejected based on citations to DeSimone. The applicant has simply stated that neither reference teaches these limitations, however, the previous line citation (DeSimone, column 6, line 40 through column 8, line 57) clearly shows the initiation of a chat when a server contacts designated recipients. The recipients can be input by a client who wants to initiate the chat, as is the case in the citation

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from DeSimone, or additionally they can be chosen by the server in a match making process as evidenced by Grimm. However, the part of claim 1 and the related independent claims that this argument seems to be addressing is the initiation of a chat by client input, which is clearly disclosed by DeSimone. In the claims, it seems as though the client may possibly input a candidate user selected by the matching unit for initiation of the chat, though this is not explicit. However, even if this was a specific limitation, the combination would still disclose it as Grimm discloses selecting a candidate user based on a match making process and DeSimone discloses the entering of recipients in order to initiate a chat session.

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- 24. In response to argument 4, the combination DeSimone and Grimm does disclose the features as recited in claim 6 and related independent claims. Similarly to argument 3, it can be shown that Grimm discloses a matching unit as recited in the claims. The previous line citation (Grimm, column 2, lines 1-9) summarily shows that Grimm's system selects a candidate user for being matched in communication with another client. For specific examples of how the system matches users, the applicant is directed to figures 2-6 which show how attributes are checked and the flow of requests and replies between the clients and the match making server. Furthermore, DeSimone clearly shows a processing unit which initiates a chat wherein a client device generates a message to be distributed to other clients, via a server. Again see DeSimone, column 6, line 40 through column 8, line 57.
- 25. In response to argument 5 that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed

invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

- Here the combination utilizes the fact that DeSimone's chat system uses a configuration involving terminals connected to one or more servers and Grimm's match making process runs on a server that can be considered analogous to a server of DeSimone's system, as discussed above. DeSimone's system is a multi-user online chat application and Grimm's system helps solve a problem of these applications by providing an efficient way to bring together groups of users. See Grimm, column 1, lines 20-23, as cited in the previous action. Clearly, the systems of DeSimone and Grimm are analogous and the motivation behind the combination was within the level of ordinary skill at the time the claimed invention was made. Thus the combination is clearly not based upon improper hindsight reasoning.
- 27. Regarding the arguments in general, the applicant has several times referred to a "passive user." It is worth noting that the terminology "passive user" is not clearly defined or even referred to in the claims. The applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

# Conclusion

28. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VX

Victor Lesniewski Patent Examiner Group Art Unit 2155

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